

CASCADE COUNTY PLANNING BOARD

April 18, 2017

9:00 am

Court House Annex

325 2nd Ave North

Board Members: Mark Carlson, Charles Kuether, Elliott Merja, Rob Skawinski, and Ken Thornton

Notice: These minutes are paraphrased to reflect the proceedings of the Cascade County Planning Board, and are considered a draft until formally approved by the Planning Board.

Staff Present: Alex Dachs, Don Sims, and Nadine Thares

Attendees: Ben Sidor, Tamer Avci, Mark Leo, Kevin May, Diane Wilkins, Gail LeMeur, Jim Ekberg, Leo Baer, Brett Doney, Troy Hangen

1. Call to order: Elliott Merja called the meeting to order at 9:00 am.

2. Roll call:

Board Members Present: Mark Carlson, Charles Kuether, Elliott Merja, and Ken Thornton

Board Members Absent: Rob Skawinski

3. Approval of Minutes: March 21, 2017

Charles Kuether motioned to approve the minutes as submitted.

Ken Thornton seconded the motion.

All in Favor, Motion passes 4-0

4. New Business:

A. Public Hearing: Sun River Commercial Park – Major Subdivision

Don Sims presented the staff report. Summation is as follows: the Cascade County Planning Board is in receipt of an application from Great Falls 1, LLC to approve a major subdivision preliminary plat. This proposed subdivision is located in the N½, S36, T21N, R2E, P.M.M., Cascade County, Montana. The land is zoned Light Industrial (I1), with the surrounding land zoned Rural Residential (RR), Light Industrial (I1), and Commercial (C). There are no delinquent taxes on this property.

The preliminary plat will subdivide 20.056 acres into eleven (11) lots ranging from 1.028 acres to 2.912 acres. Pursuant to MCA 76-3-605, a public hearing is required for this major subdivision. Legal notice of this proposed subdivision was sent to surrounding property owners on March 29, 2017 and appeared in the Great Falls Tribune on April 2, 2017 and April 9, 2017.

Access to the subdivision will be granted via a shared approach off the Vaughn South Frontage Road. The subdivision will contain one internal road and have a shared access/maintenance

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Cascade County, Rina Ft Moore - Clerk & Recorder



agreement with the Birky Tracts. The new (unnamed) subdivision road will end in a 317.73' dead end road with a cul-de-sac, which conforms to subdivision regulations. Gem Court will act as a two-way turn-around road connecting the Sun River Commercial Park to the Vaughn South Frontage Road. MDT does not allow additional approaches on the Vaughn South Frontage Road; therefore, the subdivision is not proposing a second ingress-egress.

The parkland requirement is waived pursuant to MCA 76-3-621 (3) (b). The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Vaughn Volunteer Fire Department's Manchester District Fire Station. The distance from the Manchester Fire Station to the proposed subdivision is approximately 4.3 miles, and response time will be dictated by weather and road conditions. An Environmental Assessment is required pursuant to 76-3-603 (2), MCA. The property is not in a regulated floodplain. The property is not located in the Wild Land Urban Interface as determined by the *Community Fire Plan Wild Land-Urban Interface for Cascade County*. The project lies outside of the Height Military Overlay District. The applicant has proposed utilizing the existing 17,918-gallon fire cistern placed on the Birky Tracts Subdivision. This size meets Cascade County Subdivision Regulations for a fifteen (15)-lot subdivision. Fire prevention cisterns are to be sized at 10,000 gallons + 500 gallons per lot ($10,000 + (500 \times 15) = 17,500$ gallons – minimum cistern size for 15 lot subdivision). All fifteen (15) lots (4 from Birky Tracts, 11 proposed in Sun River Commercial Park) will be within a 1,000' radius of the fire suppression cistern, which is a requirement of subdivision regulations (see figure 1). The applicant will share future maintenance costs for the un-named road within Sun River Commercial Park, Gem Court, and the fire prevention cistern with the Birky Tracts property owners association.

CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

RECOMMENDATIONS:

The following recommendations are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Sun River Commercial Park Subdivision be denied;

Or:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Sun River Commercial Park Subdivision, be approved, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. A title for the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of any lien holders or claimants of record against the land (MCA 76-3-612).

4. A road maintenance agreement that will administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public right of way created by and indicated on the subdivision plat as well as the maintenance of the fire suppression system for both the Birky Tracts and the Sun River Commercial Park Subdivisions subject to inspections by the Fire Chief of the Vaughn Volunteer Fire Department.
5. A cul-de-sac or "T" turnaround shall be constructed in accordance with Cascade County Road Design Standards, at the terminus of the proposed internal subdivision gravel road (Cascade County Subdivision Regulations, 10-4 & Table 1, Road Design Standards for Subdivision-7.1, maximum road length, 1,000 feet).
6. Pursuant to Section 10-9(7), of the Cascade County Subdivision Regulations, the developer's surveyor include the following statement on the final plat: "When a utility is to be located in an existing, dedicated right-of-way, a notice of utility occupancy must be obtained from the Cascade County Commissioners, or local, or state highway department."
7. Pursuant to Section 10-9(8) of the Cascade County Subdivision Regulations, the developer's surveyor include the following statement on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraphy, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for construction, maintenance, repair and removal of their lines and other facilities, in, over, and under and across each area designed on this plat as 'Utility Easement' to have and hold forever."
8. Pursuant to 7-22-2152, MCA, submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
9. Causing to be recorded on the plat a statement concerning limited public services.
10. Causing to be recorded on the plat an Agricultural Notification Statement.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.
12. Obtaining approval for the proposed water and sewage disposal systems from state and/or local health departments.
13. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any county road in the vicinity used to access the Sun River Commercial Park Subdivision or any other road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
14. Coordinate any appropriate approval with Montana Department of Transportation for the increases in traffic on existing shared approach.
15. Installation of mailboxes consistent with Cascade County Subdivision Regulations Section 10-4 (2) (5) and Cascade County Commissioner Resolution # 16-90.

Board Questions:

Applicant's Representatives: Mark Leo and Kevin May, Big Sky Civil Environmental, 1324 13th Avenue SW, were available for questions.

Public Comment Opened at 9:14 am

Proponents:

Brett Doney, Great Falls Development, 300 Central Avenue, spoke in favor of the project as it would bring economic diversification to the tax base and the location is ideal for industrial and commercial.

Opponents: None

Public Comment Closed at 9:17 am

Board Decision:

Elliott Merja stated his concern on the lack of two approaches. He asked about widening the approach to allow traffic to flow both directions in case of an emergency.

Don Sims replied he received an email between the MDT and Big Sky Civil that addressed this issue.

Kevin May stated that Big Sky Civil and MDT are in discussion about this issue. We are looking into expanding the agreement that is with the Birky Tracts to share the maintenance of the approach. Currently, we are in the design phase to widen the approach flares to accommodate more traffic.

Elliott Merja asked if this would allow for semis and larger trucks.

Mark Carlson suggested that they contact Leonard Lundby or Jason McAllister to make sure the volunteer fire trucks can access the land during emergencies.

Kevin May replied yes, we want to accommodate WB67 size trucks (semi-truck).

Ken Thornton asked if an alternative emergency exit had been considered.

Kevin May replied that MDT sited safety concerns and do not want additional approaches in the area. There is an existing approach with a neighbor to the east, which may allow for a possible one.

Elliott Merja asked if they discussed a turn.

Kevin May replied the MDT has a condition in their permit that would allow it to be revisited if traffic counts for Light Industrial hits the threshold.

Charles Kuether motioned to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Sun River Commercial Park Subdivision, be **approved**, subject to the fifteen (15) conditions.

Mark Carlson seconded the motion.

All in Favor, Motion passes 4-0

B. Public Hearing: Glenwood 1 – Ag Removal

Don Sims presented the staff report. Summation is as follows: the Cascade County Planning Board is in receipt of an application from Gail LeMeur to approve a minor subdivision preliminary plat. This proposed subdivision is located in the S½, S24, T20N, R4E, P.M.M., Cascade County, Montana. The preliminary plat will remove the agricultural covenant restricting residential development on a 40.34-acre parcel, and is located south of the Foothills Subdivision. The land is zoned Rural Residential (RR-5) District, with the surrounding land zoned Suburban Residential (SR) or Rural Residential (RR). Pursuant to MCA 76-3-609 (2) (e), a public hearing is not required for this minor subdivision. There are no delinquent taxes on this property. Access to the subdivision will be granted off Barn Wood Lane, a 60' private access easement over an existing gravel road.

The parkland requirement is waived pursuant to MCA 76-3-621 (3) (a) and 76-3-621 (3) (d). The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Sand Coulee Volunteer Fire Department. The distance from the Sand Coulee Fire Station to the proposed subdivision is approximately 5 miles, and response time will be dictated by weather and road conditions. The project lies within the Cascade County Height Military Overlay District's Conical Surface area (MOD-D), which limits the height of any structure to 150 feet above Malmstrom's runway elevation.

An Environmental Assessment is not required pursuant to 76-3-609 (2) (d) (i), MCA. The property is not in a regulated floodplain. The property is not located in the Wild Land Urban Interface as determined by the *Community Fire Plan Wild Land-Urban Interface for Cascade County*.

CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

RECOMMENDATIONS:

The following recommendations are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Glenwood 1 Minor Subdivision be **denied**;

Or:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Glenwood 1 Minor Subdivision, be **approved**, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;

2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of any lien holders or claimants of record against the land (MCA 76-3-612).
4. Causing to be recorded in conjunction with the final plat a road maintenance agreement that will contain a provision that will impose upon the final plat mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
5. Pursuant to Cascade County Subdivision Regulations, Section 10-9(8) of the Cascade County Subdivision Regulations, the developer's surveyor include the following statement on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraphy, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for construction, maintenance, repair and removal of their lines and other facilities, in, over, and under and across each area designed on this plat as 'Utility Easement' to have and hold forever."
6. Pursuant to 7-22-2152, MCA, submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
7. Causing to be recorded on the plat a statement concerning limited public services.
8. Causing to be recorded on the plat an Agricultural Notification Statement.
9. Obtaining approval for the proposed water and sewage disposal systems from state and/or local health departments.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Gerber Road, or any other county road in the vicinity used to access the Glenwood 1 Subdivision or any other road that can be used to access this lot as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
11. A letter certifying that Barn Wood Lane meets Cascade County's Road Design Standards for a gravel road from a Professional Engineer licensed in the State of Montana.
12. A statement from Montana Department of Transportation stating existing conditions of Barn Wood Lane is sufficient to meet any requirements for access to state highways in the vicinity.
13. Pursuant to Cascade County Subdivision Regulations Section 10-4 (2) (4), the installation of street or road signs and traffic control devices of the size, shape, and height approved by the Cascade County Commissioners must be placed at all intersections. Traffic control devices must conform to the standards contained in the *Manual on Uniform Control Devices* available from the Montana Department of Transportation.
14. Installation of a mailbox consistent with Cascade County Subdivision Regulations Section 10-4 (2) (5) and Cascade County Resolution # 16-90.

Board Questions:

Charles Kuether asked why is this being reviewed as a subdivision when existing covenants are being removed.

Don Sims replied this is a 1-Lot subdivision. The subdivision regulations can create a lot without going through a subdivision process by placing Ag covenants on the land, which allows farming, grazing, and other basic farming related activity. Ag covenants do not allow any type of wastewater treatment and a home has to receive the "Subdivision blessing."

Charles Kuether said it was the way the lot was created originally.

Elliott Merja asked if the Ag covenants were part of the other subdivision.

Don Sims replied yes, it was how the lots were created.

People talking over one another.

Elliott Merja asked about the zoning of the surrounding land.

Don Sims replied it is Rural Residential.

Charles Kuether asked for clarification on the road name.

Don Sims replied that it is Barn Wood Ln.

Ken Thornton asked if the road has to be brought up to county specs.

Elliott Merja believed it is to be to county standards.

Don Sims replied correct, originally, the road was done via the COS, and it gave access to a gravel pit.

Charles Kuether and Elliott Merja asked if whether it is currently an all season road and what has to be done to bring it to county standards.

Alex Dachs said it has a road base to access the gravel pit.

Applicant's representative:

Ben Sidor, Woith Engineering, stated the road accessed a gravel pit. There is an agreement with the landowner that as long as there was a gravel pit there, the road was supposed to be maintained by person running the gravel pit. We are in contact with the landowner and the Foothills people for a new agreement for road improvements and future maintenance.

Elliott Merja suggested they get an agreement in place because later there may be road issues and that would be the landowner's or the HOA's responsibilities.

Ben Sidor replied that is our intention because the Foothills residents use this road too.

Ken Thornton asked if they knew what the cost for the road would be.

Ben Sidor replied not at this time, there would be roughly a half (1/2) mile to figure.

Public Comment Opened at 9:35 am

Proponents: None

Opponents: None

Public Comment Closed at 9:36 am

Board Decision:

Mark Carlson motioned to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Glenwood 1 Minor Subdivision, be approved, subject to the fourteen (14) conditions.

Charles Kuether seconded the motion.

All in Favor, Motion passes 4-0

C. Public Hearing: Glenwood 2 – Ag Removal

Don Sims presented the staff report. Summation is as follows: the Cascade County Planning Board is in receipt of an application from Gail LeMeur to approve a minor subdivision preliminary plat. This proposed subdivision is located in the S½, S24, T20N, R4E, P.M.M., Cascade County, Montana. The preliminary plat will remove the agricultural covenant restricting residential development on a 33.97-acre parcel and is south of the Foothills Subdivision. The land is zoned Rural Residential (RR-5) District, and the surrounding land is zoned Suburban Residential (SR) and Rural Residential (RR). Pursuant to MCA 76-3-609 (2) (e), a public hearing is not required for this minor subdivision. There are no delinquent taxes on this property. Access to the subdivision is from Barn Wood Lane, a 60' private access easement over an existing gravel road.

The parkland requirement is waived pursuant to MCA 76-3-621 (3) (a) and 76-3-621 (3) (d). The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Sand Coulee Volunteer Fire Department. The distance from the Sand Coulee Fire Station to the proposed subdivision is approximately 5 miles, and response time will be dictated by weather and road conditions.

An Environmental Assessment is not required pursuant to 76-3-609 (2) (d) (i), MCA. The property is not in a regulated floodplain. The property is not located in the Wild Land Urban Interface as determined by the *Community Fire Plan Wild Land-Urban Interface for Cascade County*. The project lies within the Cascade County Height Military Overlay District's Conical Surface area (MOD-D), which limits the height of any structure to 150 feet above Malmstrom's runway elevation.

CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

RECOMMENDATIONS:

The following recommendations are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Glenwood 2 Minor Subdivision be **denied**;
Or:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Glenwood 2 Minor Subdivision, be **approved**, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;

3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of any lien holders or claimants of record against the land (MCA 76-3-612).
4. Causing to be recorded in conjunction with the final plat a road maintenance agreement that will contain a provision that will impose upon the final plat mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
5. Pursuant to Cascade County Subdivision Regulations, Section 10-9(8) of the Cascade County Subdivision Regulations, the developer's surveyor include the following statement on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraphy, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for construction, maintenance, repair and removal of their lines and other facilities, in, over, and under and across each area designed on this plat as 'Utility Easement' to have and hold forever."
6. Pursuant to 7-22-2152, MCA, submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
7. Causing to be recorded on the plat a statement concerning limited public services.
8. Causing to be recorded on the plat an Agricultural Notification Statement.
9. Obtaining approval for the proposed water and sewage disposal systems from state and/or local health departments.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Gerber Road, or any other county road in the vicinity used to access the Glenwood 2 Subdivision or any other road that can be used to access this lot as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
11. A Letter Certifying that Barn Wood Lane meets Cascade County's Road Design Standards for a gravel road from a Professional Engineer licensed in the State of Montana.
12. A statement from Montana Department of Transportation stating existing conditions of Barn Wood Lane is sufficient to meet any requirements for access to state highways in the vicinity.
13. Pursuant to Cascade County Subdivision Regulations Section 10-4 (2) (4), the installation of street or road signs and traffic control devices of the size, shape, and height approved by the Cascade County Commissioners must be placed at all intersections. Traffic control devices must conform to the standards contained in the *Manual on Uniform Control Devices* available from the Montana Department of Transportation.
14. Installation of a mailbox consistent with Cascade County Subdivision Regulations Section 10-4 (2) (5) and Cascade County Resolution # 16-90.

Board Questions:

Ken Thornton asked for clarification on condition 11, road standards and meeting it.

Don Sims replied yes it has to meet county standards.

Elliott Merja asked if these are the same conditions as Glenwood 1.
Don Sims replied yes.

Ben Sidor, Woith Engineering (applicant's representative) was available for questions.

Public Comment Opened at 9:42 am

Proponents: None

Opponents: None

Public Comment Closed at 9:43 am

Board Decision:

Elliott Merja asked if either subdivision has a buyer yet.

Ben Sidor replied neither subdivision has a buyer yet.

Elliott Merja asked if the land in CRP or is it being farmed.

Gail LeMeur replied Mr. Bell is leasing 35-acres and the 40-acres are not being farmed.

Mark Carlson motioned to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Glenwood 2 Minor Subdivision, be approved, subject to the fourteen (14) conditions.

Ken Thornton seconded the motion.

All in Favor, Motion passes 4-0

5. Old Business: none

6. Board Matters:

Alex Dachs mentioned that there are vacancies on both Boards.

Charles Kuether proposed that when the Board has to approve a section of the Subdivision Regulations that they be allowed to clean up an entire section, not just take care of a few items. He asked if the other Board members were in agreement with it, then the staff could check into this. The Board members agreed.

Alex Dachs said he would check into it.

Don Sims said there would be another board meeting on May 16, 2017, with two items on the agenda.

7. Public Comments Regarding Matters within the Board's Jurisdiction: None

8. Adjournment:

Charles Kuether motioned to adjourn.

Ken Thornton seconded motion

All in Favor, Motion passes 4-0.

Meeting adjourned at 9:49 am



Elliott Merja or Mark Carlson

May-16-2017
Date



Brian K. Clifton

5/16/17
Date